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| BLAKELY SOKOLOFF TAYLOR & ZAFMAN 12400 WILSHIRE BOULEVARD SEVENTH FLOOR LOS ANGELES, CA 90025-1030 | | | EXAMINER WANG, RONGFA PHILIP | |
| | | | ART UNIT 2191 | PAPER NUMBER |

DATE MAILED: 12/01/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/646,416

Applicant(s)

RACHMAN ET AL.

Examiner

Philip Wang

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _____ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 21 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☒ Claim(s) 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date 12/14/2005, 11-03-05, 17-30-04, 7-12-04, 8-21-03
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Detail Action

1. This office action is in response to the application filed on 8/21/2003.
2. Claims 1-24 are pending.

Priority

3. The priority date considered for this application is 5/16/2003.

Specification

4. The disclosure is objected to because of the following informalities: [0041], line 1 of the specification, "Referring now to Figure 2" should be "Referring now to Figure 4".

Appropriate correction is required.

Claim Objections

5. Claim 20 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. It appears that claim 20 should be a machine-readable storage medium claim instead of a method claim.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

6. Claims 14-17 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Claim 14 recites the limitation of "classifying each of the plurality of files according to file type;" Upon review of the Specification, the examiner believes there is no description of such limitation in the Specification. Claims 15-17 depend on claim 14 and suffer the same deficiency.

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7. Claim 20 recites the limitation "the non-streaming installation package" in "the non-streaming installation package" conforms to an installation standard. There is

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insufficient antecedent basis for this limitation in the claim. The examiner will assume "the non-streaming installation package" as a non-streaming installation package".

8. Claims 7, 9, 13, 14-17, 18, 21 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. It appears that "a dummy installation package" refers to "the dummy installation package" as it appears on the last line of page 16 of the Specification. However, there is no prior definition for "the dummy installation package" in the specification prior to its reference on the last line of page 16. Therefore, the definition of a dummy installation package is indefinite. For the purpose of the prior art rejection, the examiner will assume an installation dummy installation package as a installation package. Claims 15-17 depend on claim 14 and suffer the same deficiency of claim 14.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

9. Claims 1-24 are rejected under 35 U.S.C. 102(a) as being anticipated by Holler et al. (PGPub. No. 2003/0004882).

As per claim 1, Holler et al. disclose A method comprising:

- packaging an installation program for use in installing a software application; and streaming the installation program to a target processing system over a network to cause the installation program to configure the target processing system for execution of the software application([0085], "...the Application Stream Packager...consists of a Stream Enabled Application Pages File and a Stream Enabled Application Install Block."; [0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled Application Install Block is the first set of data to be streamed from the server to the client..."; [0535], "The code section consists of...to setup the client machine...").

As per claim 2, the rejection of claim 1 is incorporated; further Holler et al. disclose

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wherein said streaming the installation program to the target processing system comprises

- using the installation program in a streaming mode to create user-specific information on the target processing system, the user-specific information for subsequent use by the software application when the software application is executed on the target processing system in the streaming mode ([0545], "1. The streamed application installation procedure..."; [0548], "c. Client does not have to wait for the entire application to be downloaded..."; [0157]).

As per claim 3, the rejection of claim 1 is incorporated; further Holler et al. disclose wherein said streaming the installation program to a target processing system over a network to cause the installation program to configure the target processing system for execution of the software application comprises

- causing the target system to be configured for streaming the software application ([0157], for example, line 9-10, "...updates...the Registry..." updating the Registry is an example of configuring the target system.).

As per claim 4, the rejection of claim 3 is incorporated; further Holler et al. disclose

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- streaming the software application from a host processing system to the target processing system over the network ([0080], line 5-6, "...the application is converted into a form suitable for streaming over the network.").

As per claim 5, the rejection of claim 1 is incorporated; further Holler et al. disclose said streaming the installation program comprises:

- identifying portions of the installation program that need to be downloaded to the target processing system; downloading the portions of the installation program to the target processing system; and executing the installation program on the target processing system using only said portions([0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled Application Install Block is the first set of data to be streamed from the server to the client...the information needed by the client to prepare for the streaming and execution of the application"; [0157]);.

As per claim 6, the rejection of claim 1 is incorporated; further Holler et al. disclose,

- prior to streaming the installation program, packaging the installation program into a form which facilitates streaming of the installation program([0080], line 5-6, "...the application is converted into a form suitable for streaming over the network."; [0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled Application Install Block is the first set of data to be streamed from the server to the client...";).

As per claim 7, the rejection of claim 1 is incorporated; further Holler et al. disclose the installation program comprises

- a dummy installation package([0605], "...the set of pages critical for the initial invocation and packages them as part of the AIB...), application information ([0434], "...includes versioning information, application identification...) and a database, the database containing the software application and indicating a segmenting of the software application (See Fig. 31, [0428]-[0567]).

As per claim 8, Holler et al. disclose a method comprising:

- downloading, to a client over a network, only portions of an installation program, the installation program for use to install a software application on a computer system, wherein the software application resides on a server ([0015], "...an optimized server for streamed applications..."; [0080], line 5-6, "...the application is converted into a form suitable for streaming over the network.");
- using only said downloaded portions of the installation program on the client to configure the client to execute the software application, including identifying portions of the software application that are to be download to the client; downloading only said portions of the software application from the server to the client; and executing the software application on the client using only said portions of the software application downloaded to the client([0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled Application Install Block is the first set of data to be streamed from the server to the client...the information needed by the client to prepare for the streaming and execution of the application"; [0157]).

As per claim 9, the rejection of claim 8 is incorporated; further Holler et al. disclose

- it recites the same limitation as claim 7 and is rejected for the same reason set forth for the rejection of claim 7.

As per claim 10, Holler et al. disclose a method comprising:

- packaging an installation program in a form that facilitates streaming of the installation program to a target processing system, the installation program for use in installing a software application; and streaming the installation program to the target processing system to cause the target processing system to be configured to execute the software application([0080], line 5-6, "...the application is converted into a form suitable for streaming over the network."; ([0085], "...the Application Stream Packager...consists of a Stream Enabled Application Pages File and a Stream Enabled Application Install Block."; [0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled

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Application Install Block is the first set of data to be streamed from the server to the client..."; [0535], "The code section consists of...to setup the client machine...").

As per claim 11, the rejection of claim 9 is incorporated; further Holler et al. disclose

- said streaming the installation program to the target processing system comprises using the installation program in a streaming mode to create user-specific information on the target processing system, the user-specific information for subsequent use by the software application when the software application is executed on the target processing system in the streaming mode ([0545], "1. The streamed application installation procedure..."; [0548], "c. Client does not have to wait for the entire application to be downloaded..."; [0157]).

As per claim 12, the rejection of claim 9 is incorporated; further Holler et al. disclose

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- said streaming the installation program to the target processing system comprises streaming the installation program to the target processing system to cause the target processing system to be configured to execute the software application in a streaming mode ([0545], "1. The streamed application installation procedure..."; [0548], "c. Client does not have to wait for the entire application to be downloaded..."; [0157]).

As per claim 13, the rejection of claim 9 is incorporated; further Holler et al. disclose

- it recites the same limitation as claim 7 and is rejected for the same reason set forth for the rejection of claim 7.

As per claim 14, Holler et al. disclose a method of creating a streaming installation package, the method comprising:

- inputting a non-streaming installation package for use in installing a software application on a target system, the non-streaming installation package including a plurality of files; identifying all of the plurality of files in the non-streaming installation package; ([0085], "...the

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Application Stream Packager...consists of a Stream Enabled Application Pages File and a Stream Enabled Application Install Block.”; [0456], “...the list of files needed by the application...”);

- classifying each of the plurality of files according to file type; creating a dummy installation package that includes a plurality of dummy files representing the plurality of files, based on said file types ([0173], “non-application-specific files...”; [0431], line 6-7, “The information includes the total byte size and an index table); and
- creating the streaming installation package from the dummy installation package([0605], “...the set of pages critical for the initial invocation and packages them as part of the AIB... See Fig. 31, [0428]-[0567])).

As per claim 15, the rejection of claim 14 is incorporated; further Holler et al. disclose

- the non-streaming installation package conforms to an installation standard ([0283], last two lines, “On Windows 2000, for example, the Installer Service is called “msi.exe.”).

As per claim 16, the rejection of claim 14 is incorporated; further Holler et al. disclose

- the streaming installation package further includes application information and a database, wherein the database contains the software application and indicates a segmenting of the application([0434], "...includes versioning information, application identification..."); (See Fig. 31, [0428]-[0567]).

As per claim 17, the rejection of claim 14 is incorporated; further Holler et al. disclose

- the streaming installation package is configured to be streamed to a target system to configure the target system for execution of a software application in a streaming mode([0545], "1. The streamed application installation procedure..."; [0548], "c. Client does not have to wait for the entire application to be downloaded..."; [0157]).

As per claim 18, Holler et al. disclose a method of creating a streaming installation package, to be streamed to a target system to configure the target system for execution of a software application in a streaming mode, the method comprising:

- inputting a non-streaming installation package for use in installing the software application, the non-streaming installation package including a plurality of files, including a set of one or more archive files ([0085], "...the Application Stream Packager...consists of a Stream Enabled Application Pages File and a Stream Enabled Application Install Block.";[0456], "...the list of files needed by the application...");
- extracting the archive files from the non-streaming installation package; creating a list of all of the files in the non-streaming installation package; creating a list of streamlets for all of the files in the non-streaming installation package; classifying each of the files in the non-streaming installation package as belonging to either a first type or a second type, the first type representing all of the files in the non-streaming installation package which are normally installed on a system for purposes of installing the software application, the second type representing all of the files in the non-streaming installation package which are not of the first type([0173], " non-application-specific files..."; [0431]; line 6-7, "The information includes the total byte size and an index table "); for each file of the first type

which is not an archive file, creating a dummy file of the same size with a special header and nullifying all of the other files of the first type; creating a dummy archive file for any files of the first type which are contained in an archive file; creating a dummy installation package including each said dummy file, each said dummy archive file, and each said file of the second type; and creating the streaming installation package to include the dummy installation package, application information and a database, wherein the database contains the software application and indicates a segmenting of the application into streamlets, and wherein the application information represents only the files of the second type in the dummy installation package ([0605], "...the set of pages critical for the initial invocation and packages them as part of the AIB... See Fig. 31, [0428]-[0567]).

As per claim 19, Holler et al. disclose a machine-readable storage medium storing

- a software installation package which, when streamed to a target system over a network, configures the target system for streaming execution of a software application associated with the installation package ([0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled Application Install Block is

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the first set of data to be streamed from the server to the client...";[0535], "The code section consists of...to setup the client machine...").

As per claim 20, the rejection of claim 19 is incorporated; further Holler et al. disclose

- a non-streaming installation package conforms to an installation standard([0283], last two lines, "On Windows 2000, for example, the Installer Service is called "msi.exe.").

As per claim 21, the rejection of claim 20 is incorporated; further Holler et al. disclose

- it recites the same limitation as in claim 7 and is rejected for the same reason set forth for the rejection of claim 7.

As per claim 22, Holler et al. disclose an apparatus comprising:

- means for packaging an installation program in a form that facilitates streaming of the installation program to a target processing system, the installation program for use in installing a software application; and

- means for streaming the installation program to the target processing system to cause the target processing system to be configured to execute the software application([0086], "The Stream Enabled Application Install Block is used to install a SAS-based application on a client system...The Stream Enabled Application Install Block is the first set of data to be streamed from the server to the client..."[0535]; "The code section consists of...to setup the client machine...").

As per claim 23, the rejection of claim 22 is incorporated; further Holler et al. disclose

- it recites the same limitation as in claim 2 and is rejected for the same reason set forth for the rejection of claim 2.

As per claim 24, the rejection of claim 23 is incorporated; Holler et al. disclose

- the means for streaming the installation program to the target processing system comprises means for streaming the installation program to the target processing system to cause the target processing system to be configured to execute the software application in a streaming mode([0157], for example, line 9-10, "...updates...the Registry..." updating

the Registry is an example of configuring the target system.).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

It is noted that any citation **[[s]]** to specific, pages, columns, lines, or figures in the prior art references and any interpretation of the references should not be considered to be limiting in any way. A reference is relevant for all it contains and may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art. **[[See, MPEP 2123]]**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Wang whose telephone number is 571-272-5934. The examiner can normally be reached on Mon - Fri 8:00AM - 4:00PM. Any inquiry of general nature or relating to the status of this application should be directed to the TC2100 Group receptionist: 571-272-2100.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wei Zhen can be reached on 571-272-3708. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished

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applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

May Steiner
Privacy Examiner 11-22-2003